



IPW

PATENT
Attorney Docket No. 05725.1335-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International
Application No. PCT/US0401071 of:

Balandat ATIS

U.S. Application No.: 10/542,452

PCT Filed: January 16, 2004

35 U.S.C. § 371 (c) date: May 23, 2006

For: LONG WEAR COSMETIC
COMPOSITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patents and U.S. patent application publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicant submits the following remarks:

1. **FR 1 477 048** - This document is believed to be related to U.S. Patent Nos. 3,578,719, 3,666,671, and 3,877,955.
2. **FR 2 091 516** - This document is believed to be related to U.S. Patent Nos. 3,928,224, and 4,087,466.
3. **FR 2 328 763** - This document is believed to be related to U.S. Patent Nos. 4,307,079.
4. **JP S61-100513** - This document is believed to be related to European Patent Application No. 0 179 416 (A2), a copy of which is submitted herewith.
5. **JP-A S61-210019** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
6. **JP-A H03-141212** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
7. **JP-A H11-049657** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
8. **JP-A 2001-072537** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
9. **JP 2002-234819** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
10. International Search Report for PCT Application No. PCT/US04/01071, dated September 3, 2004 by Examiner Jyothsna A. Venkat: This is the Search Report for the PCT of which this application is the National Stage Entry.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 7, 2007

By: Deborah M. Herzfeld
Deborah M. Herzfeld
Reg. No. 52,211

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

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Complete if Known

Application Number

10/542,452

§ 371 (c) date

May 23, 2006

First Named Inventor

Balandra ATIS

Art Unit

1615

Examiner Name

J. Venkat

Attorney Docket Number

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AUG 07 2007

USPTO

PATENT & TRADEMARK OFFICE

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
	1	US-3,148,125	09-08-1964	Strianse et al.	
	2	US-3,578,719	05-11-1971	Kalopissis et al.	
	3	US-3,645,705	02-29-1975	Miller et al.	
	4	US-3,666,671	05-30-1972	Kalopissis et al.	
	5	US-3,877,955	04-15-1975	Kalopissis et al.	
	6	US-3,928,224	12-23-1975	Vanlerberghe et al.	
	7	US-4,087,466	05-02-1978	Vanlerberghe et al.	
	8	US-4,307,079	12-22-1981	Zorayan et al.	
	9	US-4,311,695	01-19-1982	Starch	
	10	US-5,015,469	05-14-1991	Yoneyama et al.	
	11	US-5,330,747	07-19-1994	Krzysik	
	12	US-5,500,209	03-19-1996	Ross et al.	
	13	US-5,589,165	12-31-1996	Yoshida et al.	
	14	US-5,654,362	08-05-1997	Schulz, Jr. et al.	
	15	US-5,676,938	10-14-1997	Kimura et al.	
	16	US-5,783,657	07-21-1998	Pavlin et al.	
	17	US-5,849,275	12-15-1998	Calello et al.	
	18	US-5,945,095	08-31-1999	Mougin et al.	
	19	US-5,959,009	09-28-1999	Konik et al.	
	20	US-5,998,570	12-07-1999	Pavlin et al.	
	21	US-6,132,745	10-17-2000	Marchi-Lemann et al.	
	22	US-6,251,375 B1	06-26-2001	Bara	
	23	US-2002/0028223 A1	03-07-2002	Vatter et al.	
	24	US-2002/0031488 A1	03-14-2002	Kanji et al.	
	25	US-6,423,306 B2	07-23-2002	Caes et al.	
	26	US-2002/0114773 A1	08-22-2002	Kanji et al.	
	27	US-2003/0039620 A1	02-27-2003	Rodriguez et al.	
	28	US 2003/0049217 A1	03-13-2003	Rodriguez et al.	
	29	US-6,589,517 B1	07-08-2003	McKelvey et al.	

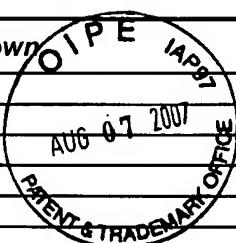
Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/542,452
§ 371 (c) date	May 23, 2006
First Named Inventor	Balandia ATIS
Art Unit	1615
Examiner Name	J. Venkat



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Attorney Docket Number

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FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
30	EP 0 179 416 A2		04-30-1986	PLOUGH, INC.		
31	FR 1 477 048		04-14-1967	L'ORÉAL		English Language Counterpart
32	FR 2 091 516		01-14-1972	L'ORÉAL		English Language Counterpart
33	FR 2 328 763		05-20-1977	L'ORÉAL		English Language Counterpart
34	JP-A S61-100513		05-19-1986	PLOUGH INC.		English Language Counterpart
35	JP-A S61-210019		09-18-1996	SHISEIDO CO. LTD.		Abstract
36	JP-A H03-141212		06-17-1991	NOEVIR KK		Abstract
37	JP-A H11-049657		02-23-1999	KOSE KK		Abstract
38	JP-A 2001-072537		03-21-2001	KOSE KK		Abstract
39	JP 2002-234819		08-23-2002	KOSE KK		Abstract
40	WO 98/42298		10-01-1998	AVON PRODUCTS, INC.		

NONPATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
41		International Search Report dated September 3, 2004, Examiner Jyothsna A. Venkat for PCT/US04/01071.	
42		"The Journal of the Society of Cosmetic Chemists", March 1954, (Vol. 5) pgs. 249-256.	
43		KIRK-OTHMER, "Encyclopedia of Chemical Technology Third Edition", Vol. 22, pgs. 347-377.	
44		"Microemulsions Theory and Practice", L.M. Prince, ED., Academic Press (1977), Vol. 2 pgs. 21-32.	
45		"International Cosmetic Ingredient Dictionary and Handbook, Seventh Ed., (1997) Vol. 2 pgs. 1654-1655.	
46		"International Cosmetic Ingredient Dictionary and Handbook, Seventh Ed., (1997) Vol. 2 pgs. 1656-1661.	
47		English language Derwent Abstract for JP-A S61-100513.	
48		English language Derwent Abstract for JP-A H03-141212.	
49		English language Derwent Abstract for JP-A H11-049657.	
50		English language Derwent Abstract for JP-A 2001-072537.	
51		English language Derwent Abstract for JP 2002-234819.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.